

29TH Annual Montana Arbitration & Labor Relations Conference

Holiday Inn Missoula, Downtown at the Park

TOGETHER **ARBITRATION TRAINING** **Tuesday, September 16, 2008**

9:00–9:30 a.m.	Registration
9:30–10:45 a.m.	Session I: Advocacy Techniques
11:00–12:15 a.m.	Session II: Knowing the Elements of the Case
12:15– 1: 15 a.m.	Lunch (Provided)
1:15–2:30 p.m.	Session III: The Anatomy of a Case
2:45–4:00 p.m.	Session IV: The Tale of Two Cities
4:30–5:30 p.m.	MAA Business Meeting

The **Trial Advocacy Techniques** session will give valuable tips on how to give each side the best chance possible given the facts you have to persuade the arbitrators of the wisdom, evidentiary and contractual support for your positions.

The **Elements of the Case** session will apply facts to elements evaluation in general and then specifically on areas such as just cause, discipline/discharge and past practice cases.

The **Anatomy of a Case** session will review specific fact situations, the techniques used by the advocates and the concerns of the arbitrator.

In **The Tale of Two Cities** session the focus will be on a case where the arbitrator writes two opinions on the same case before releasing one and a discussion of what the advocates did wrong to cause two opinions in the decision making process.

LABOR RELATIONS CONFERENCE

Wednesday, September 17, 2008 (8:00 am - 5:00 pm)

8:00–8:45	Registration
8:45–9:00	Welcome & Opening
9:00–10:30	Keynote: How Many Tests Prove Just Cause?
10:45–11:30	Cause, Just Cause, Good Cause: What is the Difference?
11:30–12:30	MT Employment Law Developments (aka The Karl & LeRoy Show)
12:30–1:30	Lunch (provided)
12:45–1:15	Economic Update
1:30–2:30	<u>CONCURRENT SESSIONS</u>
Session 1:	Fundamentals of the Act
	Mediation Services
	Public—BOPA
	Private—FMCS
	followed by
	Panel: BOPA Rules & Processes
Session 2:	Year's Best & Worst Arguments
2:45–3:45	<u>CONCURRENT SESSIONS</u>
Session 1:	The Book Shelf
Session 2:	Assessing Witness Credibility: Who's Telling the Truth, Who's Mistaken and Who's Just Plain Lying
4:00–5:00	FIRING LINE (Q&A session with Arbitrators)
5:15	No Host bar
6:00	Evening Meal, ticket required

Thursday, September 18, 2008 (7:30 am – 4:00 pm)

7:30–9:00	Breakfast (provided)
8:00–8:45	NLRB Updates and Trends
9:00–10:15	<u>CONCURRENT SESSIONS</u>
Session 1:	Fundamentals of Arbitration
Session 2:	Family Medical Leave Act
10:30–11:15	Bonner Decision
11:15–12:15	Red Light/Green Light... Arbitrator Case Analysis
12:15–1:15	Lunch (on your own)
1:15–3:45	Board of Personnel Appeals Meeting followed by a Board of Personnel Appeals Hearing

**TOGETHER
EVERYONE
ACHIEVES
MORE**

2008 LABOR RELATIONS CONFERENCE PROGRAM INFORMATION

How Many Tests Prove Just Cause?

National Academy Arbitrators Jeffrey Jacobs and George Roumell will review established and developing labor law on determining just cause in various factual situations.

MT Employment Law Developments

Always one of our most educational and entertaining sessions, LeRoy Schramm & Karl Englund will discuss recent cases and current employment relations issues in Montana Law.

Fundamentals of the Act

Board Agent Paul Melvin will give a general overview of the state Collective Bargaining Act and Beth Schindler of the Federal Mediation and Conciliation Services will give a general overview of its role under the federal act, followed by a panel discussion. The panel will consist of Montana Board of Personnel Appeals members.

The Book Shelf: Basic Resources in Labor Relations

No matter what level of experience you have in labor relations and collective bargaining, it is always important to keep your "Book Shelf" current. Lead Mediator Paul Melvin will present detailed and useful information about the various types of information and where it can be located for basic to advanced labor relations professionals. Sources provided will range from traditional research materials and methods all the way to where and how to surf cyberspace.

National Labor Relations Board Updates

A representative from the National Labor Relations Board will comment on current and continuing trends in the field of labor relations and present case updates from the federal level.

Fundamentals of Arbitration

Arbitrator David Stiteler will give a general overview of the arbitration process, including preparing the evidence, opening statements, presentation of the case, and closing statements or briefs. The review of key elements will be followed by interactive discussions of important contract interpretation and just cause principles, with illustrative case examples.

Bonner Decision

Management and labor representatives will discuss the ramifications of the 2008 Montana Supreme Court decision in Bonner School District No. 14 vs. Bonner Education Association. The administrative decisions in the case focused on a finding of an unfair labor practice concerning unilateral and involuntary transfers of certain teachers, then the focus was redirected when the District Court reversed based upon management rights.

Cause, Just Cause, Good Cause: What is the Difference?

Montana management representative Jeff Minckler and union representative Matt Thiel will join Keynote arbitrators Roumell and Jacobs to discuss "cause", "just cause" and "good cause" and what test or tests are used to make the determination specifically in Montana.

Economic Update

Paul Polzin of the University of Montana will provide a general economic update with the most current information available at the time of the conference and a more specific economic update and forecast relating to Montana.

Year's Best & Worst Arguments

An entertaining and informative session in which our Keynote presenters share their experiences of the best and worst arguments they have heard over the past year.

Assessing Witness Credibility: Who's Telling the Truth, Who's Mistaken and Who's Just Plain Lying?

Arbitrator Jeffrey Jacobs will review common scenarios for determining witness credibility and discuss the concepts arbitrators frequently use to assess credibility. Scenarios will be used to illustrate the material.

Firing Line: Q & A Time with Experienced Arbitrators

Ask veteran arbitrators question about a case, an argument, or a strategy. Arbitrators expected to participate on the panel are David Stiteler, William Greer, George Roumell and Jeffrey Jacobs. Sheets for submitting panel questions will be provided when materials are picked up. Please leave your questions at the registration desk so they can be compiled and ready for the program.

Family Medical Leave Act (FMLA)

National Academy Arbitrator George Roumell gives a thorough review of the Family Medical Leave Act and takes participant questions.

Red Light/Green Light

A panel of experienced arbitrators will provide on-the-spot analysis of legally and factually entertaining cases relating to timely topics, with active audience participation adding to the program.

Board of Personnel Appeals Meeting

The Montana Board of Personnel Appeals will meet on Thursday afternoon for the September Business Meeting, followed by a hearing on a pending case involving the definition of "supervisory employee".